

Testimony Regarding Funding for Raise the Age Legislation in H.B. 6380:
An Act Concerning the Budget for the Biennium Ending June 30, 2013
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Appropriations Committee
March 3, 2011

Senator Harp, Representative Walker, and distinguished Members of the Appropriations Committee:

We are submitting testimony today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Connecticut Voices for Children strongly supports proposed funding to implement Raise the Age legislation within the Department of Children and Families, but further recommends that funding also be allocated to implement Raise the Age within the Judicial Department.

On January 1, 2010, Connecticut's juvenile justice system underwent important reform when Raise the Age legislation was implemented for sixteen-year-olds, bringing these children under the jurisdiction of the juvenile justice system. On July 1, 2012, this systemic reform will continue as the juvenile justice system expands to include seventeen-year-olds. Prior to this reform, Connecticut had remained one of only three states that automatically treated sixteen- and seventeen-year-old children accused of crimes as adults in criminal court, rather than as juvenile delinquents.¹ Now that Connecticut has finally begun to align its age of juvenile jurisdiction with broader national practice, we must ensure that adequate funding and services are in place to implement Raise the Age and meet the needs of the children who are impacted by the legislation.²

Advances in scientific research on brain development have confirmed our common sense understanding that children who are sixteen and seventeen years old are, by definition, different from adults. Brain imaging studies which compare the brain activity of adults confronted with difficult decisions to the brain activity of adolescents in similar situations show that it takes adolescents, whose brains are not yet fully developed, a longer time than adults to recognize a bad idea.³ Sixteen- and seventeen-year-olds require more time to make responsible decisions, and it may be more difficult for them to identify dangerous situations and appropriate behaviors.⁴ When confronted with a potentially dangerous scenario, adults demonstrate more brain activity than adolescents in the parts of the brain that create mental imagery and signal internal distress. This suggests that adults are more likely to create a mental image of possible outcomes to a scenario, and are able to have an adverse response to that image.⁵

In many ways, Connecticut law already recognizes that sixteen- and seventeen-year-olds are not as capable of making good decisions as are adults. A sixteen- or seventeen-year-old Connecticut youth cannot vote, serve on a jury, get a marriage license on his or her own, or enter a casino. Connecticut legislators recognized the need to resolve the logical inconsistencies in Connecticut's laws regarding

juveniles in 2007, when they voted to pass Raise the Age legislation, and again, in 2009, when they voted to provide funding for implementation of Raise the Age legislation for sixteen-year-olds.⁶

Youth treated in the juvenile justice system are provided with more and better mental health and counseling services than those in the criminal justice system,⁷ are offered more varied diversion and re-habilitation alternatives, and as a result, are more likely to be rehabilitated and less likely to engage in further criminal activity.⁸ As seventeen-year-olds enter the juvenile justice system, these comprehensive rehabilitative services should be fully funded and adequately provided for them as well. These services provide a crucial opportunity for at-risk youth to change their lives. By reducing the likelihood that these youth will become repeat offenders, we benefit not only the youth involved, but society as a whole.

Currently, additional funding has been proposed for the Department of Children and Families to implement Raise the Age legislation for seventeen-year-olds, but no funding has been proposed for the Judicial Department to implement this legislation. Since the Judicial Department will be expected to provide many important services and perform many functions for seventeen-year-olds in the juvenile justice system, it is crucial that it be allotted adequate funding to meet these needs. Providing funding for the Department of Children and Families is an important first step, but it is not enough to comprehensively, effectively implement Raise the Age legislation.

Accordingly, we believe that the funding proposed for Raise the Age implementation in the Department of Children and Families should remain, and funding for implementation should be added to the Judicial Department's budget. In the past, legislators have recognized the importance of Raise the Age legislation, as well as the need for adequate funding to implement the legislation.⁹ In the Governor's recent budget address, he too recognized the need for continued support of Raise the Age legislation.¹⁰ Effective implementation cannot occur without appropriate funding. By ensuring adequate investment in this important reform, Connecticut will gain the fiscal and societal benefits resulting from reduced recidivism and the development of successful adult citizens. Connecticut will also continue to better meet its promise to its youth: access to fair and developmentally-appropriate treatment within the judicial system.

Thank you for the opportunity to submit testimony today.

¹ Campaign for Youth Justice, *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform, Executive Summary* (March 2007), 2.

² Connecticut is currently one of eleven states to have seventeen as the age of juvenile jurisdiction. "Undoing Raise the Age is Bad Public Policy and Wastes Taxpayer Dollars," *CT Juvenile Justice Alliance* (2010).

³ A.A. Baird, J.A. Fugelsang, and C.M. Bennett, "What were you thinking?" (2005).

⁴ Id.

⁵ Id. For example, when asked if "jumping off a roof" is a good idea, the typical adult immediately generates visual imagery of potential injury and experiences a physical aversion to that image, evoking a rapid "bad idea" response. Teenagers in the study, who took longer to respond to dangerous scenarios, seemed to be trying to decide whether or not the scenarios were actually dangerous. Perhaps because they lack the mental image and subsequent visceral response, teenagers need to reason out the question, and therefore have a more difficult time generating the correct response.

⁶ See Public Act 07-4, "An Act Implementing the Provisions of the Budget Concerning General Government," *Connecticut General Assembly*, signed into law by Governor Jodi Rell on June 29, 2007; see also, Public Act 09-7, "An Act Implementing Provisions of the Budget Concerning General Government and Making Changes to Various Programs," *Connecticut General Assembly*, signed into law by Governor Jodi Rell on October 5, 2009.

⁷ See "Mental Health Treatment for Youth in the Juvenile Justice System," *National Mental Health Association* (2004).

⁸ Most studies comparing the adult and juvenile justice systems have corroborated this claim. See J.A. Fagan, "The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders," *Law and Policy* 18 (1 and 2): 77-113 (1996); D.M. Bishop, C.E. Frazier, L. Lanza-Kaduce, and L. Winner, "The transfer of juveniles to criminal court: Does it make a difference?" *Crime and Delinquency*, 42: 171-191 (1996); L. Winner, L. Lanza-Kaduce, D.M. Bishop, and C.E. Frazier, "The transfer of juveniles to criminal court: Reexamining recidivism over the long term," *Crime and Delinquency* 43(4): 548-563 (1997). Very little data exists on recidivism rates in Connecticut. One study has estimated adult recidivism at 70% within three years, http://www.cga.ct.gov/2002/pridata/RptsAnnual/2002_Annual_Recidivism_Compliance.htm whereas recidivism from the juvenile system has been calculated at 47% within 18 months. "State of Connecticut Juvenile Justice Programs: Recidivism Outcome Evaluation," *Connecticut Policy and Economic Council* (July 2002).

⁹ See footnote 6.

¹⁰ See Dannel Malloy, "FY 2012 - FY2013 Biennium Governor's Budget," PowerPoint (February 16, 2011), 45.